

Regular Session, 2009

HOUSE BILL NO. 637

BY REPRESENTATIVES PONTI AND ARNOLD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INDUSTRIAL DEVELOPMENT/BDS: Provides for changes to the Louisiana Industrialized Building Act

1 AN ACT

2 To amend and reenact R.S. 40:1730.53(2), (5)(a) and (d), and (6), 1730.60, 1730.62(B) and
3 (C)(introductory paragraph), and 1730.65(C)(1) and to enact R.S. 40:1730.53(5)(e),
4 (7), (8), and (9), 1730.63(C), 1730.67, and 1730.68, relative to the Industrialized
5 Building Act; to provide for changes to definitions; to provide for new definitions;
6 to provide for inspections by the fire marshal; to provide for exemptions for decals
7 or insignia; to provide for fees; to provide for the Industrialized Building Program
8 Fund; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1730.53(2), (5)(a) and (d), and (6), 1730.60, 1730.62(B) and
11 (C)(introductory paragraph), and 1730.65(C)(1) are hereby amended and reenacted and R.S.
12 40:1730.53(5)(e), (7), (8), and (9), 1730.63(C), 1730.67, and 1730.68 are hereby enacted to
13 read as follows:

14 §1730.53. Definitions

15 As used in this Part, the following terms and phrases shall have the meaning
16 ascribed to them in this Section, unless the context clearly indicates otherwise:

17 * * *

18 (2) "Commercial building" means a structure used for any purpose other than
19 a ~~single or multifamily residence~~ one- and two-family dwelling or accessory to a
20 ~~single or multifamily residence~~ one- and two-family dwelling.

21 * * *

(5) "Industrialized building" means a commercial structure that is the following:

(a) ~~Constructed in~~ Erected or installed using one or more modules or ~~constructed using~~ one or more modular components ~~built that are constructed~~ at a location other than the commercial site.

* * *

(d) Includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site, ~~but does not include:~~

~~(f) (e) A commercial structure that exceeds~~ Does not exceed three stories or forty-nine feet in height ~~as measured from the finished grade elevation at the building entrance~~ to the peak of the roof.

~~(ii) A commercial building or structure that is installed in a manner other than on a permanent foundation and is either not open to the public or less than one thousand five hundred square feet in total area and used other than as a school or a place of religious worship.~~

(6) "Modular component" means a structural part of a building constructed at a location other than the ~~building~~ commercial site in a manner that prevents the construction from being adequately inspected for building code compliance at the ~~building~~ commercial site without damage or removal and reconstruction of a part of the building.

(7) "Fund" means the Industrialized Building Program Fund.

(8) "Module" means a three-dimensional section of industrialized building designed and approved to be transported as a single section independent of other sections, with or without modules or modular components, that prevents the construction from being adequately inspected for building code compliance without damage or removal and reconstruction of a part of the building.

(9) "Secretary" means the secretary of Public Safety and Corrections.

* * *

§1730.60. Approval of design

~~A.~~ Each page of the designs, plans, and specifications shall bear a stamp of approval by the state fire marshal if the designs, plans, and specifications satisfy the requirements set forth in R.S. 40:1730.59.

~~B. The state fire marshal may establish reasonable fees in order to implement provisions of this Section.~~

* * *

§1730.62. Inspections

* * *

B. To ensure compliance with the building code or approved designs, plans, and specifications, the state fire marshal or a registered third-party inspector shall inspect the construction of industrialized buildings. ~~The state fire marshal may allow approved third-party inspectors to perform the inspections subject to the rules or regulations adopted and promulgated by the council.~~

C. A building code enforcement officer, ~~or~~ a registered third-party inspector, ~~or the state fire marshal or his designee~~ shall inspect all construction involving the installation of industrialized buildings to ensure compliance with designs, plans, and specifications, including the inspection of:

* * *

§1730.63. Decals or insignia

* * *

C. The state fire marshal may exempt by rule an industrialized building that is installed in a manner other than on a permanent foundation and is either not open to the public or less than one thousand five hundred square feet in total area and used other than as a school or a place of religious worship.

* * *

§1730.65. Local government authority

* * *

1 C. A parish or municipality that regulates the on-site construction or
2 installation of industrialized buildings may:

3 (1) Require and review, for compliance with the building code, a complete
4 ~~set copy~~ of designs, plans, and specifications bearing the state fire marshal's stamped
5 approval for each installation of industrialized buildings.

6 * * *

7 §1730.67. Fees

8 The state fire marshal may establish by rule, adopted in accordance with the
9 Administrative Procedure Act, reasonable fees in order to implement the provisions
10 of this Part, not to exceed the following:

11 (1) Manufacturer registration, three hundred fifty dollars per year per
12 location.

13 (2) Dealer registration, two hundred fifty dollars per year.

14 (3) Plan review, twenty cents per square foot.

15 (4) Code equivalency review, one hundred dollars per review.

16 (5) Inspections, forty dollars per hour, including travel time.

17 (6) Decal or insignia issuance:

18 (a) For modules, seven cents per square foot of floor area, with a minimum
19 fee of twenty-five dollars.

20 (b) For components, two cents per square foot of surface area, with a
21 minimum fee of sixty cents.

22 §1730.68. Industrialized Building Program Fund; distribution

23 A. All proceeds derived from the fees and all amounts received by the
24 secretary from interest, fines, or penalties or any other source pursuant to the
25 provisions of this Part shall be deposited with the state treasurer. After compliance
26 with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana,
27 the state treasurer shall, each fiscal year, credit to the "Industrialized Building
28 Program Fund", which is hereby created in the treasury, an amount equal to the
29 amount of money paid into the treasury by the secretary pursuant to the provisions

1 of this Section. All unexpended and unencumbered monies in the fund at the end of
 2 each fiscal year shall remain in the fund. The monies in the fund shall be invested
 3 by the state treasurer in the same manner as monies in the state general fund. All
 4 interest earned on monies in the fund invested by the state treasurer shall be
 5 deposited in the fund.

6 B. Monies from the fund shall be appropriated and paid to the secretary at
 7 the beginning of each fiscal year to be distributed to the office of state fire marshal,
 8 code enforcement and building safety, and shall be used for the implementation of
 9 this Part.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ponti

HB No. 637

Abstract: Provides for changes to the Louisiana Industrialized Building Act.

Present law defines "commercial building", "industrialized building", and "modular component".

Proposed law changes the definitions of present law.

Proposed law defines "fund", "module", and "secretary".

Present law requires the state fire marshal's stamp of approval on certain designs, plans and specifications.

Present law provides that the state fire marshal may establish reasonable fees for the implementation of present law.

Proposed law repeals present law with regard to the establishment of fees.

Present law provides that the state fire marshal may allow approved third-party inspectors to perform the inspections subject to the rules or regulations adopted and promulgated by the council.

Proposed law repeals present law.

Present law provides that a building code enforcement officer or a registered third-party inspector shall inspect construction involving industrialized buildings to ensure compliance with designs, plans, and specifications.

Proposed law retains present law but provides that the state fire marshal or designee can inspect construction involving the installation of industrialized buildings.

Present law provides that the state fire marshal place decals or insignia on each transportable modular section or modular component to indicate compliance with the building code.

Proposed law retains present law but allows for the state fire marshal to exempt an industrialized building that is installed in a manner other than on a permanent foundation and is either not open to the public or less than 1,500 square feet in total area and used other than as a school or a place of religious worship.

Present law provides that a parish or municipality that regulates on-site construction or installation of industrialized buildings may require and review a complete set of designs, plans, and specifications bearing the state fire marshal's stamped approval for each installation of industrialized buildings.

Proposed law retains present law but allows for a copy of designs, plans, and specifications on-site.

Proposed law provides that the state fire marshal may establish by rule reasonable fees in order to implement the provisions of present law, not to exceed the following:

- (1) Manufacturer registration, \$350 per year per location.
- (2) Dealer registration, \$250 per year.
- (3) Plan review, \$0.20 per square foot.
- (4) Code equivalency review, \$100 per review.
- (5) Inspections, \$40 per hour, including travel time.
- (6) Decal or insignia issuance:
 - (a) For modules, \$0.07 per square foot of floor area, with a minimum fee of \$25.
 - (b) For components, \$0.02 per square foot of surface area, with a minimum fee of \$.60.

Proposed law provides that all proceeds derived from the fees and all amounts received by the secretary from interest, fines, or penalties or any other source pursuant to present law shall be deposited with the state treasurer. After compliance with the requirements of Const. Art. VII, §9(B), the state treasurer shall, each fiscal year, credit to the "Industrialized Building Program Fund", an amount equal to the amount of money paid into the treasury by the secretary pursuant to the provisions of present law. All unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. All interest earned on monies in the fund invested by the state treasurer shall be deposited in the fund.

Proposed law provides that monies from the fund shall be appropriated and paid to the secretary at the beginning of each fiscal year to be distributed to the office of state fire marshal, code enforcement and building safety, and shall be used for the implementation of present law.

(Amends R.S. 40:1730.53(2), (5)(a) and (d), and (6), 1730.60, 1730.62(B) and (C)(intro. para.), and 1730.65(C)(1); Adds R.S. 40:1730.53(5)(e), (7), (8), and (9), 1730.63(C), 1730.67, and 1730.68)